

WINTERS & ASSOCIATES

Jack B. Winters, Jr. (SBN 82998)
Georg M. Capielo (SBN 245491)
Sarah Ball (SBN 292337)
8489 La Mesa Boulevard
La Mesa, California 91942
Tel (619) 234-9000; Fax (619) 750-0413
jackbwinters@earthlink.net
gcapielo@einsurelaw.com
sball@einsurelaw.com

NICHOLAS & TOMASEVIC, LLP

Craig M. Nicholas (SBN 178444)
Alex Tomasevic (SBN 245598)
225 Broadway, 19th Fl.
San Diego, CA 92101
Tel (619) 325-0492; Fax (619) 325-0496
cnicholas@nicholaslaw.org
atomasevic@nicholaslaw.org

Attorneys for Plaintiff BEVERLY ALLEN,
Individually and on Behalf of the Class

MAYNARD, COOPER & GALE, LLP

Nicholas J. Boos (SBN 233399)
Michael D. Mulvaney (*Pro Hac Vice*)
Edward M. Holt (*Pro Hac Vice*)
Alexander B. Feinberg (*Pro Hac Vice*)
Two Embarcadero Center, Suite 1450
San Francisco, CA 94111
Tel (415) 646-4700; Fax (205) 254-1999
nboos@maynardcooper.com
mmulvaney@maynardcooper.com
tholt@maynardcooper.com
afeinberg@maynardcooper.com

Attorneys for Defendants
PROTECTIVE LIFE INSURANCE COMPANY and
EMPIRE GENERAL LIFE ASSURANCE CORPORATION

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

BEVERLY ALLEN, Individually, and on
Behalf of the Class,

Plaintiff,

vs.

PROTECTIVE LIFE INSURANCE
COMPANY, a Tennessee Corporation;
EMPIRE GENERAL LIFE INSURANCE
COMPANY, an Alabama Corporation,

Defendants.

Case No.: 1:20-cv-00530-NONE-JLT

**JOINT STIPULATION EXTENDING TIME
FOR DEFENDANTS TO ANSWER THE
COMPLAINT; [PROPOSED] ORDER**

**JOINT STIPULATION EXTENDING TIME FOR DEFENDANTS TO
RESPOND TO COMPLAINT; [PROPOSED] ORDER**

1 Plaintiff BEVERLY ALLEN, Individually and on Behalf of the Class (“Plaintiff”) and
2 Defendant PROTECTIVE LIFE INSURANCE COMPANY, as successor by merger to Defendant
3 EMPIRE GENERAL LIFE ASSURANCE CORPORATION (collectively, the “Defendants”), by
4 and through undersigned counsel, and pursuant to Fed. R. Civ. P. 6 and L.R. 144, respectfully
5 submit this stipulation and proposed order to briefly extend the time for Defendants to respond to
6 Plaintiff’s Complaint as follows:

7 WHEREAS, Plaintiff filed her Complaint against Defendants on April 13, 2020 (Doc. 1);

8 WHEREAS, Defendants were served with the Summons and Complaint on April 16, 2020;

9 WHEREAS, on May 4, 2020, the Court extended Defendants’ time to respond to the
10 Complaint to June 22, 2020 (Doc. 9);

11 WHEREAS, on June 22, 2020, Defendants filed a Motion to Dismiss Plaintiff’s Complaint
12 pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (Doc. 12);

13 WHEREAS, on October 1, 2021, the Court entered an order denying Defendants’ Motion
14 to Dismiss (Doc. 46);

15 WHEREAS, pursuant to Fed. R. Civ. P. 12(a)(4)(A), Defendants’ response to the Complaint
16 is presently due on or before October 15, 2021;

17 WHEREAS, Plaintiff has agreed to provide Defendants with an additional four (4) day
18 period within which to answer the Complaint, making Defendants’ response now due on or before
19 October 19, 2021;

20 WHEREAS, good cause exists for this brief extension as previously scheduled matters in
21 unrelated cases have occupied counsel for Defendants’ time since October 1, 2021, and Defendants’
22 counsel therefore requires additional time to evaluate the substantive individual and class
23 allegations in Plaintiff’s Complaint and prepare an Answer;

24 WHEREAS, this brief extension should not result in any meaningful delay in this matter
25 because discovery is currently stayed, and Defendants’ Answer will still be filed prior to the initial
26 scheduling conference presently set before Magistrate Judge Jennifer L. Thurston on December 16,
27 2021 (Doc. 44);

28 //

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between
2 Plaintiff and Defendants, through their respective counsel, that Defendants shall have to and
3 including October 19, 2021, to answer Plaintiff's Complaint. Pursuant to L.R. 137 and L.R. 144, a
4 proposed order approving this extension is contained within this Joint Stipulation.

5 **IT IS SO STIPULATED:**

6 DATED: October 14, 2021

NICHOLAS & TOMASEVIC, LLP,

7 /s/ Craig M. Nicholas (w/ permission)

8 CRAIG M. NICHOLAS

ALEX TOMASEVIC

9 Attorneys for Plaintiff BEVERLY
10 ALLEN, Individually and on Behalf
11 of the Class

12 DATED: October 14, 2021

MAYNARD, COOPER & GALE, LLP,

13 /s/ Nicholas J. Boos

14 NICHOLAS J. BOOS

15 MICHAEL D. MULVANEY

EDWARD M. HOLT

16 ALEXANDER B. FEINBERG

17 Attorneys for Defendants
18 PROTECTIVE LIFE INSURANCE
19 COMPANY and EMPIRE GENERAL
LIFE ASSURANCE CORPORATION

20 **ORDER**

21 Pursuant to the Parties' Joint Stipulation, the defendants SHALL file a responsive pleading
22 no later than October 19, 2021.

23 IT IS SO ORDERED.

24 Dated: October 14, 2021

25 /s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE